

**ROGER P. CROTEAU & ASSOCIATES, LTD.**

• 9120 W. Post Road, Suite 100 • Las Vegas, Nevada 89148 •  
Telephone: (702) 254-7775 • Facsimile (702) 228-7719

1 ROGER P. CROTEAU, ESQ.  
Nevada Bar No. 4958  
2 TIMOTHY E. RHODA, ESQ.  
Nevada Bar No. 7878  
3 ROGER P. CROTEAU & ASSOCIATES, LTD.  
9120 West Post Road, Suite 100  
4 Las Vegas, Nevada 89148  
(702) 254-7775  
5 (702) 228-7719 (facsimile)  
[croteaulaw@croteaulaw.com](mailto:croteaulaw@croteaulaw.com)  
6 *Attorney for Plaintiff*  
**LAS VEGAS DEVELOPMENT GROUP, LLC**  
7

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 \*\*\*

11 LAS VEGAS DEVELOPMENT GROUP, LLC, )  
a Nevada limited liability company, )

12 )  
13 Plaintiff, )

Case No. 2:16-cv-00038-RFB-GWF

14 vs. )

15 STEVEN P. SCHNEIDER, an individual; )  
NATIONSTAR MORTGAGE, LLC, a )  
Delaware limited liability company; AZTEC )  
16 FORECLOSURE CORPORATION, a )  
California corporation; TRACY BURR, an )  
17 individual; FEDERAL NATIONAL )  
MORTGAGE ASSOCIATION, a federally )  
18 chartered corporation; EVERGREEN )  
MONEYSOURCE MORTGAGE COMPANY, )  
19 a Washington corporation; DOE individuals I )  
through XX; and ROE CORPORATIONS I )  
20 through XX, )

21 Defendants.)  
22

**MOTION TO EXTEND TIME TO FILE DISCOVERY PLAN**

**(First Request)**

23  
24 COMES NOW, Plaintiff, LAS VEGAS DEVELOPMENT GROUP, LLC, by and through  
25 its attorneys, ROGER P. CROTEAU & ASSOCIATES, LTD., and hereby presents its Motion to  
26 Extend Time to File Discovery Plan. This Motion is made and based upon the attached  
27 memorandum of points and authorities, all pleadings, papers and documents on file herein, and  
28

any oral argument that the Court may entertain at the hearing of this matter.

DATED this 21<sup>st</sup> day of March, 2016.

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/ Timothy E. Rhoda  
 ROGER P. CROTEAU, ESQ.  
 Nevada Bar No. 4958  
 TIMOTHY E. RHODA, ESQ.  
 Nevada Bar No. 7878  
 9120 West Post Road, Suite 100  
 Las Vegas, Nevada 89148  
 (702) 254-7775  
*Attorney for Plaintiff*  
**LAS VEGAS DEVELOPMENT GROUP, LLC**

## MEMORANDUM OF POINTS AND AUTHORITIES

### STATEMENT OF FACTS

The instant action is primarily a quiet title and declaratory relief action related to real property commonly known as 5125 Teal Petals Street, North Las Vegas, Nevada 89081, Assessor Parcel No. 124-35-711-058 (*the "Property"*). The action was originally filed in the Eighth Judicial District Court of Clark County on June 25, 2015, where it was pending for some time and where substantial activity took place. In approximately December, 2015, Plaintiff was advised that Evergreen Moneysource Mortgage Corporation ("*Evergreen*") had been incorrectly served with the Complaint. Specifically, counsel for Evergreen represented that the Complaint had not been served upon Evergreen's current registered agent but rather a past registered agent. Upon again being served with the Complaint, Evergreen removed to this Court on January 8, 2016.

On March 9, 2015, this Court issued an Order directing the parties to file a stipulated Discovery Plan and Scheduling Order no later than March 21, 2016. Due to various circumstances, including illness and other work obligations, including a Nevada Supreme Court opening brief that was also due on March 21, 2016, Plaintiff's counsel has not yet been able to schedule and hold the 26(f) conference and prepare and file the Discovery Plan and Scheduling

Order. As a result, because a number of parties are involved, Plaintiff respectfully requests an additional 2-week extension of time until April 4, 2016 in order to do so.

### **LEGAL ARGUMENT**

#### **1. GOOD CAUSE EXISTS FOR A BRIEF EXTENSION OF TIME**

As the Court has noted, a Discovery Plan and Scheduling Order has not been filed herein to date. This was primarily the result of the rather unusual manner in which the case came before the Court. Specifically, the case was pending before the State Court for over 6 months before being removed.

Since this Court issued its order dated March 9, 2016, Plaintiff's counsel has been unable to schedule and hold the 26(f) conference and prepare and file the Discovery Plan and Scheduling Order due to circumstances that are largely beyond its control. This included an illness that kept counsel out of the office for several days, as well as other work obligations such as a Nevada Supreme Court opening brief which was also due on March 21, 2016. These factors, combined with the relatively large number of parties involved in the litigation, made it difficult to schedule the 26(f) conference by March 21, 2016.

### **CONCLUSION**

Based upon the foregoing, Plaintiff respectfully requests the Court grant an additional period of time until and including April 4, 2016, in which to file a stipulated Discovery Plan and Scheduling Order.

DATED this 21<sup>st</sup> day of March, 2016.

ROGER P. CROTEAU & ASSOCIATES, LTD.

/s/ Timothy E. Rhoda

ROGER P. CROTEAU, ESQ.

Nevada Bar No. 4958

TIMOTHY E. RHODA, ESQ.

Nevada Bar No. 7878

9120 West Post Road, Suite 100

Las Vegas, Nevada 89148

(702) 254-7775

*Attorney for Plaintiff*

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Motion to Extend Time to File Discovery Plan  
Case No. 2:16-cv-00038-RFB-GWF

**IT IS SO ORDERED.**

By:   
United States Magistrate Judge

Dated: March 22, 2016

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 21<sup>st</sup> day of March, 2016, I served via the United States District Court CM/ECF electronic filing system, the foregoing **MOTION TO EXTEND TIME TO FILE DISCOVERY PLAN (First Request)** to the following parties:

Michael A. Arata  
Springel & Fink  
10655 Park Run Dr Ste 275  
Las Vegas, NV 89144  
702-804-0706  
702-804-0798 (fax)  
[marata@springelfink.com](mailto:marata@springelfink.com)  
*Attorney for Defendant*  
*Evergreen Moneysource Mortgage Corporation*

Jessica E. Chong  
Wright, Finlay & Zak  
7785 W. Sahara Ave., Suite 200  
Las Vegas, NV 89117  
702-475-7964  
702-946-1345 (fax)  
[jchong@wrightlegal.net](mailto:jchong@wrightlegal.net)  
*Attorney for Defendant*  
*Aztec Foreclosure Corporation*

Leonard T. Fink  
Springel & Fink LLP  
10655 Park Run Dr Ste 275  
Las Vegas, NV 89144  
702-804-0706  
702-807-0798 (fax)  
[espringel@springelfink.com](mailto:espringel@springelfink.com)  
*Attorney for Defendants*  
*Evergreen Moneysource Mortgage Corporation and Steven P. Schneider*

Melanie D Morgan  
Akerman LLP  
1160 Town Center Drive, Suite 330  
Las Vegas, NV 89144  
(702)634-5005  
(702) 380-8572 (fax)  
[melanie.morgan@akerman.com](mailto:melanie.morgan@akerman.com)  
*Attorney for Defendants*  
*Federal National Mortgage Association and Nationstar Mortgage, LLC*

Dana Jonathon Nitz  
Wright, Finlay & Zak, LLP  
7785 W. Sahara Ave., Suite 200  
Las Vegas, NV 89117  
702-475-7964  
702-946-1345 (fax)  
[dnitz@wrightlegal.net](mailto:dnitz@wrightlegal.net)  
*Attorney for Defendant*  
*Aztec Foreclosure Corporation*

Christine M. Parvan  
Akerman LLP  
1160 Town Center Drive, Suite 330  
Las Vegas, NV 89144  
702-634-5000  
702-380-8572 (fax)  
[christine.parvan@akerman.com](mailto:christine.parvan@akerman.com)  
*Attorney for Defendants*  
*Federal National Mortgage Association and Nationstar Mortgage, LLC*

Ariel E. Stern  
Akerman LLP  
1160 Town Center Drive, Suite 330  
Las Vegas, NV 89144  
702-634-5000  
702-380-8572 (fax)  
[ariel.stern@akerman.com](mailto:ariel.stern@akerman.com)  
*Attorney for Defendants*  
*Federal National Mortgage Association and Nationstar Mortgage, LLC*

David T. Gluth II  
Gordon & Rees, LLP  
3770 Howard Hughes Parkway, Suite 100  
Las Vegas, NV 89169  
(702) 577-9304  
(702) 255-2858 (fax)  
[dgluth@gordonrees.com](mailto:dgluth@gordonrees.com)  
*Attorney for Defendant*  
*Hollow de Oro Homeowners Association*

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Robert S. Larsen  
Gordon & Rees, LLP  
3770 Howard Hughes Parkway, Suite 100  
Las Vegas, NV 89169  
(702) 577-9304  
(702) 255-2858 (fax)  
[rlarsen@gordonrees.com](mailto:rlarsen@gordonrees.com)  
*Attorney for Defendant*  
*Hollow de Oro Homeowners Association*

/s/ Timothy E. Rhoda  
An employee of ROGER P. CROTEAU &  
ASSOCIATES, LTD.